

IC 31-18-5

Chapter 5. Direct Enforcement of an Order of Another State Without Registration

IC 31-18-5-1

Recognition of income withholding order of another state

Sec. 1. (a) An income withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's income payor under Indiana's income withholding law under IC 31-16-15 without first filing a petition or registering the order with an Indiana tribunal. Upon receipt of the order, the income payor shall:

- (1) treat an income withholding order issued in another state that appears regular on its face as if the order had been issued by an Indiana tribunal;
- (2) immediately provide a copy of the order to the obligor; and
- (3) distribute the funds as specified in section 1.1 of this chapter.

(b) An obligor may contest the validity or enforcement of an income withholding order issued in another state in the same manner as if the order had been issued by an Indiana tribunal. IC 31-18-6 applies to the contest.

(c) The obligor shall give notice of the contest under this section to:

- (1) any support enforcement agency providing services to the obligee; and
- (2) a person or an agency designated in the income withholding order to receive payments, or if a person or an agency is not designated, the obligee.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.22.

IC 31-18-5-1.1

Compliance with withholding order

Sec. 1.1. (a) Except as provided in subsection (b) and IC 31-18-6-2.1, an employer shall withhold and distribute the funds as directed in a withholding order by complying with the applicable terms of the order that specify the following:

- (1) The duration and the amount of periodic payments of current child support, stated as a certain sum.
- (2) The person or agency designated to receive payments and the address to which the payments are to be forwarded.
- (3) Medical support, whether in the form of periodic cash payments, stated as a certain sum, or an order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.
- (4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as a certain sum.
- (5) The amount of periodic payments of arrears and interest on arrears, stated as a certain sum.

(b) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) the employer's fee for processing an income withholding order or credit;
- (2) the maximum amount permitted to be withheld from the obligor's income; and
- (3) the periods within which the employer must implement the withholding order and forward the child support payment.

As added by P.L.213-1999, SEC.23.

IC 31-18-5-2

Administrative enforcement of orders

Sec. 2. (a) Whenever enforcement is sought for:

- (1) a support order;
- (2) an income withholding order; or
- (3) both;

issued in a Title IV-D case by a tribunal of another state, documents required for registering the order may be sent to the Title IV-D agency of Indiana.

(b) Upon receipt of the documents, the Title IV-D agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by Indiana law to enforce a support order or an income withholding order or both.

(c) If the obligor does not contest administrative enforcement, the Title IV-D agency is not required to register the order. If no administrative procedure authorized by Indiana law is used, the Title IV-D agency shall send the documents required for registering the order to the appropriate Title IV-D agency.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.24.